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SIPDIS

STATE FOR EAP/BCLTV AND EB/TPP/BTA/ANA  
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TAGS: [ETRD](#) [VM](#) [WTRO](#) [VN](#) [WTO](#)

SUBJECT: VIETNAM: PM DIRECTIVE ON ADVANCING WTO LEGISLATION

[1](#)1. On April 4, Prime Minister Phan Van Khai issued a Directive aimed at advancing the pace of Vietnam's legislative calendar in support of WTO accession. The Directive follows on and provides guidance for implementing the legislative program the GVN presented to the National Assembly (NA) on March 2. The Directive:

-- Tasks ministers and other heads of agencies with direct responsibility for ensuring timely completion of WTO-related draft legislation.

-- Instructs GVN drafting committees to focus primarily on aspects of legislation that are important to the WTO process and to cooperate with the NA Committee responsible for reviewing the legislation.

-- Tasks the National Committee for International Economic Cooperation (NCIEC), chaired by Deputy Prime Minister Vu Khoan, with translating draft laws and ordinances and sending them to the WTO for review.

-- Tasks the Ministry of Trade (in coordination with the Ministry of Justice (MOJ)) with ensuring that all draft legislation is consistent with WTO requirements.

-- Instructs ministries and other GVN agencies to draft all necessary implementing regulations in parallel with draft laws.

-- Instructs ministries not to issue documents containing legal norms in the form of official letters (OL) and/or notifications. (Note: This appears to be a direct response to USG concerns about transparency. OLs are not classified by the GVN as legal normative documents and so there is no requirement to publish them. However, ministries frequently put policy decisions in OLs. End Note.)

-- Tasks MOJ, in coordination with MOT, to determine what additional legislation (not already included on the legislative schedule) the GVN may also need to draft.

[2](#)2. An Annex to the Directive lists 23 laws and ordinances to be approved by the National Assembly in 2005.

[3](#)3. An unofficial translation of the Directive has been emailed to EAP/BCLTV and USTR.

[4](#)4. Comment: This Directive addresses many of the concerns that the we and other key WTO members have consistently voiced to the GVN including the slow pace of the legislative calendar, the need for greater coordination with the National Assembly, and the lack of transparency of the drafting process. Issuance of the Directive is a positive indication that the GVN better understands the legislative requirements for accession and is very focused on trying to meet them. However, since the GVN has not yet begun to submit draft legislation to the WTO Secretariat, it is impossible to assess whether the legislation will meet WTO requirements and enable Vietnam to attain its goal of accession by the end of 2005. End Comment.

MARINE